

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS, STATE OF MISSOURI

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ST. LOUIS COUNTY

Charles Thornton,

Plaintiff,
Vs.

The City of Kirkwood, Missouri,

and

Ken Yost,

Defendants.

)
No.

19805(V)

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JOAN M. GALLAGHER
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SERVE:

Kirkwood: Office of the Mayor, 139 S. Kirkwood, Kirkwood, MO 63122
Ken Yost: 139 S. Kirkwood, Kirkwood, Mo 63122

PETITION
MALICIOUS PROSECUTION

Comes now Charles Thornton, Plaintiff, by and through his attorney, and for his Petition, states:

1. That Plaintiff is a resident of the State of Missouri and City of Kirkwood, Missouri.
2. That Defendant City of Kirkwood is an incorporated City of the State of Missouri.
3. That Defendant Ken Yost was at all times relevant herein, the Public Works Director of the City of Kirkwood.
4. That on May 17, 2002, Defendant Yost, motivated by malice, personally charged Plaintiff the violation of Ordinance 5407-Section 20-20-168 (c) of the Ordinances of the City of Kirkwood.

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5. That on May 17, 2002, Defendant Yost, motivated by malice, caused and compelled the Kirkwood Police Department to charge Plaintiff of the violation of Ordinance 10-58 of the Ordinances of the City of Kirkwood.
6. That on May 17, 2002, Defendant Yost, motivated by malice, caused and compelled the Kirkwood Police Department to charge Plaintiff of the violation of Ordinance 10-58 of the Ordinances of the City of Kirkwood.
7. That on May 17, 2002, in direct consequence of the charges filed by or instigated by Defendant Yost, Plaintiff was taken into police custody and imprisoned and incarcerated in the jail of the City of Kirkwood. That during his period of imprisonment and incarceration, Plaintiff suffered substantial monetary losses.
8. That on the trial of the charges filed and instigated by Defendant Yost and brought to trial by the City of Kirkwood, and after appeal to the Circuit Court of the County of St. Louis, Plaintiff was exonerated and found not guilty.
9. That at no time did Defendant Yost have any probable cause for the instigation of these actions, and acted maliciously and without probable cause in pursuing them.
10. That by reason of the malicious prosecution instituted in bad faith by Defendant Yost, Plaintiff has suffered extensive damage and has suffered damage to reputation, and has suffered great mental anguish.
11. That due to the malicious prosecution of Plaintiff, an award of punitive damages is justified.
WHEREFORE, Plaintiff prays judgment for compensatory damages of Ten Thousand Dollars (\$10,000), punitive damages of Five Million Dollars (\$5,000,000), reasonable attorney's fees, and costs of suit against Ken Yost and the City of Kirkwood, jointly and severally, and for such other and further relief is appropriate in the circumstances.

Irwin M. Roitman
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